



## Townsend Council Meeting Minutes October 7, 2020 @ 7:00 pm VIA CONFERENCE CALL

Per the Governor's request, all scheduled meetings will be held via electronic means. Residents will be able to view documents posted to the meeting tab on the Town website at [www.townsend.delaware.gov](http://www.townsend.delaware.gov) or by joining the meeting via computer.

Those wishing to attend may dial 1(301)715-8592. When directed, provide following meeting ID 82764217575# and then the following password 361631# to enter the meeting.

If you choose to access the meeting online Join the online meeting:

<https://us02web.zoom.us/j/82764217575?pwd=aHI4RDhTZ0xiME1HV0ZOcHRxSHZ3QT09>

I. **Call to Order:** The meeting was called to order at 7:09 p.m. by Mayor Thomas McDonald.

II. **Opening Ceremonies**

A. *Roll Call:*

The following Council and Staff were present with electronic access available for guests: Mayor T. McDonald, Councilman P. Miller, Councilman S. Lobdell, Councilman E. Dugan, Councilman J. Mertz, Town Manager A. Mangeri, Town Clerk A. Tantillo, and Financial Officer J. Helms, Town Attorney F. Townsend, Town Engineer E. Van-Otoo, and Lt. Lloyd, DSP.

B. *Pledge of Allegiance:* Skipped for Electronic Meeting

C. *Recognition of Visitors:* Present guests were New Castle County Councilman David Carter.

D. *Announcements:* None

III. **Additions and Deletions to published Agenda:** Mayor McDonald added a discussion of the movement of money to the Finance Committee report.

IV. **Approval of Minutes**

Approval/ Rejection of Town Council Public Hearing Minutes 9/2/2020: *CM Lobdell motioned for the approval of the minutes as presented, CM Mertz seconded the motion. (Vote: Dugan- Yea, Lobdell- Yea, Mertz- Yea, Miller- Yea)*

V. **Mayor's Report**

- a. Mayor McDonald reported that he attended VFW Post 3792's 75<sup>th</sup> anniversary event.
- b. Mayor McDonald requested TM Mangeri and Town Clerk Tantillo to report back to the Planning Commissions regarding questions about the Comprehensive Plan.
- c. Reappointment of James Reyes to the Planning Commission.

After review, Mayor McDonald advised this reappointment was not necessary, as Mr. Reyes was previously re-appointed earlier in the year.

- d. Discussion of reconstitution of a Municipal Police Force.
  - i. Mayor McDonald has requested looking into building a police department with the Town Manager and with other state agencies. The Mayor requested the creation of a committee to review what is needed to establish a police force, establish requirements for a police chief and eventually interview police chief candidates. Town Manager Mangeri will continue to work with the Public Safety Committee to work on establishing strategies to form a police force and will report back to Council.
  - ii. Town Manager Mangeri shared that the Town is teetering on the need for a Police Department, as Townsend is in the top 29 municipalities in the state, by population, without a police force. Additionally, a Police Chief would serve as an Operations Officer; serving a duty shift and working on departmental development, with New Castle County and State Police to establish a mutual aid relationship. TM Mangeri shared that the Bureau of Justice Affairs manual will serve as basic guidance for establishing a police force and there are additional concerns to address when establishing a Police Force including legal concerns, cost of insurance, salary, and other topics.
  - iii. Councilman Carter shared that he has initiated a review of jurisdictional police coverage south of the Canal and is reviewing the outdated Directives for Mutual Aid agreements and will be discussing jurisdictional directives and mutual aid agreements on his Public Safety Agenda.
  - iv. TM Mangeri will continue to work with Councilman Carter on the countywide police efforts.

## **VI. Reports**

### **A. State Police:**

- a. Lt. Lloyd shared that there were 44 total responses in the Town of Townsend in the month of September, which included five traffic crashes, one criminal mischief case at Artesian, one drug case on a traffic stop, seven domestic disturbances and thirty non-reportable incidents which did not include criminal charges.
- b. There were 124 traffic tickets given in and around Townsend.
- c. Discussion of Commerce Street data collection of Traffic Flow.
  - i. Lt. Lloyd shared that from July 30<sup>th</sup> through September 24<sup>th</sup>, the speed trailed on Commerce Street collected data on over 51,000 cars traveling in both directions on Commerce Street.
  - ii. The average speed recorded was 25.95 miles per hour and about .3% of the cars; about 162 cars were recorded traveling 20 miles per hour over the speed limit.
  - iii. 50% of the cars recorded were traveling under the speed limit.

### **B. Town Attorney Fred Townsend III:**

Mayor asked TA Townsend to clarify what constitutes a quorum among Council. TA Townsend shared that the presiding officer does not need to be the Mayor. The Mayor does not count towards a quorum and currently does not have a vote. Therefore, the presiding officer, if not the Mayor can count towards a quorum, and can vote. Additionally, if a quorum is narrowly recorded, TA Townsend advised that it could be appropriate for Council to cancel a meeting due to lack of a quorum, however, he advised that it would not be inappropriate to meet under those circumstances.

C. Town Engineer Edwin Van-Otoo:

a. Project status update.

Drainage issues in Townsend Village I, along Helen Dr. and Edgar Rd. were discussed. Town Engineer Van- Otoo and Town Manager Mangeri had a site visit on September 30<sup>th</sup> with the developers. They also noticed additional areas with drainage issues. Additionally, on October 8<sup>th</sup>, the developer and Town Engineer, and Town Manager will meet to discuss and address these issues and the Mayor will attend.

b. Lifehouse Church

Town Engineer Van-Otoo discussed the Lifehouse Church maintenance guarantee with consideration of the expenditures, rights of ways, and landscaping and the re-negotiation of what formulates the 15% of the maintenance bond. The initial maintenance bond was \$131,995 without landscaping or the stormwater basin. The next step is for the Town Engineer to coordinate with the developer regarding the landscaping and the stormwater basin.

c. Woods at Hidden Creek

Town Engineer Van- Otoo shared that there are some requirements not completed by the applicant for this project site. Town Engineer Van-Otoo has a meeting on October 28<sup>th</sup> with the developer to review items that are required to meet Delaware Code Requirements.

d. Grants

Town Engineer shared several grant opportunities with Town Council such as the TAP grant, which will require a 20% match and could possibly be used for projects with sidewalks, rehabbing, streetscapes or lighting. He also shared the CTF grant, which is the Community Transportation Fund which can assist with similar projects as the TAP grant. Lastly, he shared the Surface Water Matching Planning grant which may be able to assist with drainage issues.

e. Zoning

- i. Town Engineer Van- Otoo shared that there will be some necessary changes to the Zoning Ordinance, such as changes to wording and asked Town Attorney Townsend what the process would be. TA Townsend shared that these changes would have to go to the Planning Commission who would need to hold a public hearing and that Council will need to do the same.
- ii. TA Townsend asked Council to share the requested changes with him and he will advise on how to proceed.
- iii. Mayor McDonald shared that the Planning Commission had made changes to require requests for land use development introductions to be held quarterly, instead of at the time a developer request it.

f. Results of the Townsend Pickle Ball/ Tennis Court Bid.

- i. Town Engineer Van-Otoo shared that he has opened the bids for the Tennis Court and Pickle Ball Project. The Town has received two bids, with one of the bids being under budget. The bids were made available to Council for review.
- ii. Town Engineer Van-Otoo asked for Council's review and a notice to proceed, as the contracts can take 2-4 weeks to prepare and the asphalt will take 30 days to cure. A discussion was had to determine if the project would be better to wait to proceed until the spring, with the weather changing soon.
- iii. Council requested references from Town Engineer Van- Otoo for the Contractors who submitted bids and will make a decision, once they can consider the references.

D. Town Manager Anthony S. Mangeri:

1. Letter for adjustment of bonding requirement for the first two phases at Woods at Hidden Creek.

The Town has sent the letter for the bonding requirement to the developers and they are awaiting a response from the bank regarding the bonding requirement.

2. The First reading of an Ordinance to annex the area known as Townsend Acres.

The Town has received notification from the Office of Statewide Planning Coordination to endorse the annexation. The Town is working on an ordinance for this annexation and the zoning will be decided as a part of the ordinance.

3. Discussion of Townsend Village II HOA landscaping.

TM Mangeri discussed the landscaping along Karins Boulevard and the frontage along Wiggins Mill. The work was not authorized. The Town wants to enter a maintenance agreement to establish a memo of understanding of who should be responsible for maintenance and upkeep.

4. Discussion on status of Municode revision and possible vote on cost for Municode Standards Upgrades.

- a. Town Manager Mangeri requested Council authorization for the standardization of the Town Code through the Municode transition. This standardization will allow for minor edits to the Code layout to ensure standardized methods of labeling sections and acronyms. The estimate from Municode for this service is up to 8 hours at a rate of \$150.
- b. Council asked TA Townsend if these edits would be permissible and TA Townsend shared, they would be, since they are non-substantial changes.
- c. *CM Lobdell made a motion to approve up to \$1,200 for the Municode standardization. This was seconded by CM Dugan. (Vote: Dugan- Yea, Lobdell- Yea, Mertz- Yea, Miller- Yea)*

5. Neighborhood Watch

TM Mangeri shared about the first meeting of interest for the Neighborhood Watch. There were participants who showed interest in establishing a Town watch and then once the program grows, expansion of the watch program could possibly be divided neighborhood by neighborhood. TM Mangeri shared that this will be a combined effort of the residents and neighborhoods. The Town Manager will assist with establishing a working group to recruit and train the Neighborhood Watch members.

6. Discussion of a Part Time Code Official position.

TM Mangeri shared that a posting has been made for the anticipation of hiring a part time Code Official. The Town has received some responses to this posting, but none that have responded have met the certification requirements. TM Mangeri shared that he will continue to advertise and seek interest in this position.

7. Keep Delaware Beautiful

TM Mangeri shared with Council that the Town has received the Keep Delaware Beautiful grant to place cigarette butt receptacles at no cost to the Town at transition points to the Town Park and near Town Hall. Council discussed some concerns about these receptacles and the allowance of smoking on or near Town property. Council requested to hold the approval of this grant agreement until more information regarding smoking and cigarettes could be shared, including whether or not it is permissible to smoke in the Town Park.

**VII. Committee Reports**

A. Finance: Chair Mayor Thomas McDonald - Co-Chair CM Edgar Dugan

- a. Mayor McDonald shared that he had a conversation with Financial Officer Helms and CM Dugan to move money out of the Town's PNC account and into investment accounts. FO Helms shared that there is currently \$2.3 million in the Town's operating account, without interest. FO Helms suggested to move half a million to one million dollars to the Town's investment account. FO Helms shared that there are no fees to move the funds. Additionally, FO Helms shared that the Town would have access to the funds within 3 – 5 business days to return funds to the Town's operating account, if needed.
- b. Council discussed the feasibility of transferring \$750,000 to the Town's investment account and decided that that would be a reasonable amount to transfer. FO Helms requested for Mayor McDonald to send him the authorization of funds transfer in writing to prepare for the bank to move the funds.
- c. CM Mertz discussed the meaning of items on the Town's income statement with FO Helms and the Finance Committee.

B. Human Resources: Chair CM Patrick Miller

No report.

C. Public Works: Chair CM Edgar Dugan - Co-Chair CM Scott Lobdell

No report

D. Land Use & Development: Chair CM Scott Lobdell - Co-Chair CM Edgar Dugan

No report

E. Veterans Committee: Chair CM Patrick Miller - Co-Chair CM Mertz

No report.

F. Public Safety: Chair CM Patrick Miller - Co-Chair – CM Mertz

Mayor McDonald acknowledged that the Public Safety Committee will continue the discussion of establishing a Police Department.

G. Community Relations: Chair CM Scott Lobdell - Co-Chair CM Mertz

- a. Discussion of guidance for 2020 Halloween.
  - i. The Community Relations Committee and Council discussed creating appropriate guidance for the Town for Halloween 2020. Additionally, they discussed guidance from the State and neighboring Towns.
  - ii. They came to an agreement to limit trick-or-treating from 6 pm to 8 pm with all trick- or- treaters in costume off the streets by 9 pm.
  - iii. Council also requested providing additional police protection in Town on Halloween, until at least 10 pm.
  - iv. Councilman Mertz agreed to establish guidance for trick-or-treating in Town, to be posted for residents' guidance.
- b. Update on the establishment of the Neighborhood Watch program.

The committee shared that they addressed this topic during TM Mangeri's report.

H. Parks & Recreation: Chair CM Scott Lobdell - Co-Chair CM Patrick Miller

- a. Discussion and update on Park and Pavilion restrictions relating to the COVID-19 pandemic.
  - i. The Parks and Recreation committee discussed how to proceed with the Town Park equipment and pavilion rentals. They shared that both Middletown and Smyrna have closed their park equipment for the remainder of the year.
  - ii. *CM Miller made a motion to keep the park equipment, which includes the playground, basketball court, and skate park; and the park pavilion closed until the end of the year. CM Lobdell seconded the motion. (Vote: Dugan-Yea, Lobdell- Yea, Mertz- Abstain, Miller- Yea).*

I. National Wildlife Federation Liaison: CM Mertz

CM Miller shared that he received an email from Ms. Gorman which shared that the Town has received its' National Wildlife re-certification for 2020 and has now been re-certified for 10 years.

**VIII. Citizens Comments & Participation**

No comments or statements from citizens.

**IX. Announcements**

No announcements

**X. Adjournment**

Mayor and Council adjourned the meeting at 9:04 pm.

\*\*\*Please note, that due to technical difficulties, a limited recording of the Town Council meeting is available.